

## REMARKS

The Office Action dated June 30, 2006 has been carefully reviewed and the pending claims have been amended to set forth with more particularity the distinctive aspects of Applicants' invention that render it patentable. Following entry of the amendments, reexamination of the pending claims is requested in light of the remarks presented below.

### Office Action

In the Office Action dated June 30, 2006, the Examiner rejected the independent claims 1 and 13 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Additionally, the Examiner rejected claims 1-24 under 35 U.S.C. § 102(e) as being anticipated by Blasko (US 2001/0049620, "Blasko"). For reasons set forth more fully below, Applicant submits that upon entry of the amendments presented above, both grounds of rejection will have been overcome by the Applicant and the claims will be in condition for allowance.

### Section 112 Ground of Rejection

In support of the section 112 rejection, the Examiner stated that a function for the user profile, as recited in claims 1 and 13, was not described in an enabling manner in the specification. In response to this rejection, the Applicant has amended claims 1 and 13 to restate the function in a more accurately

worded manner. Applicant surmised that the Examiner's perception of the function was based upon unclear wording in the claim. Therefore, Applicant submits the grounds for the 112 rejection have been overcome.

#### Section 102(e) Ground of Rejection

The Examiner has rejected all of the pending claims as being anticipated by Blasko. Applicant agrees with the Examiner that the Blasko reference does relate to the generation and storage of profile data. Applicant disagrees, however, that Blasko teaches each and every limitation of the pending claims. Furthermore, Applicant submits that Blasko does not suggest all of the limitations in the pending claims. Therefore, Blasko neither anticipates nor renders obvious Applicant's claimed invention and all of the pending claims are patentable over the references of record, either alone or in combination.

An overview of Applicant's system and method is useful for a comparison of Applicant's claimed invention to the teachings of Blasko. Applicant's system and method collect user activity data from a plurality of user terminals that are communicating with a server over a computer network. The messages between the terminals and the server contain terminal identifiers in order for the messages to arrive at their appropriate destinations. The user activity data collected by the server are provided to a user identifier. The user identifier collects messages that are associated with a particular terminal communicating with the server. Using terminal identification data extracted from the user activity data, such as a terminal identifier or an account identifier, the user identifier determines whether

a profile history has already been stored in memory for this particular terminal or account. If no user profile history exists for the account or terminal, a user profile history is generated and stored in the memory in association with a key that corresponds to the terminal identifier or the account identifier. If one or more user profiles exist for the terminal or account identifier, a user profile generator evaluates the degree of correspondence between the profile data extracted from the user activity data and the profile data within a user profile history already stored in the memory. Based upon this comparison, the user profile generator either merges the extracted profile data into a user profile history already stored in memory or it generates a user profile history and a key. The newly generated key relates to the key associated with the user profile history already stored in memory. In this manner, the system and method of the applicant differentiates between users of the same terminal or account and stores a different user profile history for each user associated with a single terminal or account.

Blasko teaches the aggregation of transaction data from a terminal. Blasko, however, does not teach differentiating between users who share a terminal based upon a comparison of user activity data to the content of a profile history stored in association with the terminal. Instead, Blasko teaches that transaction data may be collected and associated with a particular user, if the user has provided *personal* information so the transaction data may be added to a profile history for a particular user (Blasko, ¶s 65-73). The aggregation of data by Blasko may occur for a region or a street address basis, (Blasko, ¶ 67). The only way in which Blasko is able to identify particular users within a region or at

an address is with a key containing private data that must be secured. For example, secured servers are used when personal information such as zip code, residential address, or social security number is used (Blasko, ¶ 66). Only subsequent transaction data containing that key are added to the profile history containing that key. That is, Blasko neither teaches nor suggests a comparison of extracted profile data to stored profile data to determine whether a profile history *and a key related to a stored key* are generated.

#### Claim 1

Claim 1 requires a user profile generator to generate a user profile history and a user identifier key in response to the extracted profile data not corresponding to a user profile history stored in memory. Blasko does not compare extracted profile data to a user profile history stored in memory. Instead, Blasko determines whether the transaction identifier in messages being received from a user have been used to store a user profile history previously. Blasko does not teach nor does it suggest that the data collected from a user be compared to the contents of a user profile history to determine whether transaction data should be stored separately, but with a related key, from a user profile history already stored in the memory. Consequently, claim 1 is patentable over the Blasko reference.

This difference is important as Blasko does not conceive of being able to identify different users of the same terminal through differences in profile history data. Instead, Blasko relies upon being able to have keys that are user specific.

That is why Blasko requires the key generation for storing user profiles to be located either at a user's facility or in a secure server. Applicant's system does not require the level of security taught by Blasko because sensitive information, such as, a social security number, is not used to store user profile histories in a memory. This difference patentably distinguishes Applicant's claimed invention from the system taught and/or suggested by Blasko. Claims 2-4 and 8-9 depend from claim 1 and, therefore, for similar reasons are patentable over the references of record, either alone or in combination.

#### Claim 5

Claim 5 depends from claim 1 and is patentable for the reasons discussed with regard to that claim. Additionally, claim 5 requires that a degree of correlation between a site identifier and a resource identifier in the extracted profile data be detected with respect to site identifiers and resource identifiers in a user profile history. This claim specifically teaches that profile data extracted from the user activity data are compared to stored profile data to determine whether to generate a user profile history *and* a user identifier key. Blasko does not teach the comparison of profile data as noted above. Additionally, Blasko teaches that correlation is based upon key comparison only. Specifically in paragraph 66 and 67, the transaction identifier of Blasko is used to determine whether profile vectors are stored in a currently existing profile history or in another profile history. There is no teaching or suggestion in Blasko to compare the profile histories themselves. Moreover, Blasko only generates a key *and* a

profile history when it cannot locate a key that corresponds to the key in the received messages. Applicant's invention generates a key and a profile history in response to a comparison of extracted data to stored profile data. That is, Applicant's system is capable of generating a separate profile history for a user generating activity data and link the new history to an existing history through a relationship between the newly generated key and the existing key. For at least these reasons, claim 5 is patentable over Blasko and the other references of record, either alone or in combination. Claims 6 and 10-11 depend from claim 5 and, therefore, are patentable for the reasons discussed with respect to that claim.

#### Claim 7

Claim 7 requires that the user identifier of the system of claim 1 determine which one of at least two profile histories associated with a key stored in the memory corresponds with profile data extracted from user activity data. Blasko does not teach or suggest a user identifier at a server site being used to determine a level of correspondence between extracted profile data and two profile histories stored in relationship to a single transaction identifier. Instead, the system of Blasko only compares the keys and stores two separate profile histories under two separate transaction identifiers using personal information to generate the two separate keys. Thus, Blasko does not evaluate the level of correspondence between data generated by a user of a terminal or account and profile data stored in memory as Applicant's system does. For at least these

reasons, claim 7 is patentable over Blasko and the other references of record, either alone or in combination.

For similar reasons, claim 12 is also patentable over Blasko and the other references of record. Specifically, claim 12 requires that the user identifier be able to differentiate between two profile histories associated with a television terminal. Again, Blasko uses different weights for different types of data associated with the single television terminal to determine what advertising to select, (Blasko, ¶ 69). Blasko operates in this manner because it has only one profile history for the television terminal. Applicant's invention, on the other hand, is able to generate a profile history for each user it detects using the same terminal and to associate each profile history with a single television terminal. Therefore, the user identifier of Applicant's invention is required to be capable of determining which user is accessing the server through the television terminal.

### Claim 13

Claim 13 is an independent method claim that includes the functions performed by the system components as recited in claim 1. For at those reasons, claim 13 is patentable over Blasko and the other references of record, either alone or in combination.

Additionally, claim 13 requires that the user profile history generated from the profile data extracted from the user activity data be stored in association with *both* the user identifier key and the key stored in memory. That is, the generated user profile history is associated with both a user of a terminal and a key that

corresponds to a terminal identifier. Performing the process in this manner enables Applicant's method to differentiate between different users of the same terminal or account. Blasko is unable to differentiate users without personal, private information being used as a key or transaction identifier. Consequently, Blasko does not disclose each and every limitation of claim 13 nor does it suggest the method as set forth in claim 13. For at least these reasons, claim 13 is patentable over Blasko and the other references of record, either alone or in combination. Because claims 14-15 depend from claim 13, they include the limitations of claim 13. Therefore, they are patentable for at least the same reasons as those stated above with respect to claim 13.

#### Claim 16

Claim 16 depends from claim 13 and, therefore, is patentable for at least the reasons discussed above with respect to that claim. Additionally, claim 16 requires that a site identifier and a resource identifier in the extracted profile data be compared with site identifiers and resource identifiers in profile histories that are stored in the memory. As noted above, Blasko does not teach or suggest the comparison of extracted profile data to stored profile data, much less the comparison of these particular data elements. Consequently, claim 16 is patentable over Blasko and the other references of record, either alone or in combination. Claims 18 and 22-23 also depend, directly or indirectly, from claim 16 and are patentable for the reasons already noted with respect to claim 16.



Claim 17

Claim 17 depends from claim 1 and is patentable for the reasons discussed with regard to that claim. Additionally, claim 17 requires that a degree of correlation between a site identifier and a resource identifier in the extracted profile data be detected with respect to site identifiers and resource identifiers in a user profile history. This claim specifically teaches that profile data extracted from the user activity data are compared to stored profile data to determine whether to generate a user profile history *and* a user identifier key. Blasko does not teach the comparison of extracted profile data to stored profile data as noted above. Additionally, Blasko teaches that correlation is based upon key comparison only. Specifically in paragraphs 66 and 67, the transaction identifier of Blasko is used to determine whether profile vectors are stored in a currently existing profile history or in another profile history. There is no teaching or suggestion in Blasko to compare extracted data to data stored in the profile histories themselves. That is, Applicant's method is capable of generating a separate profile history for a user generating activity data and link the new history to an existing history through a relationship between the newly generated key and the existing key. For at least these reasons, claim 17 is patentable over Blasko and the other references of record, either alone or in combination.

Claim 19

Claim 19 depends from claim 1 and is patentable for the reasons discussed with regard to that claim. Additionally, claim 19 requires that a degree

of correlation between a site identifier and a resource identifier in the extracted profile data be detected with respect to site identifiers and resource identifiers in a user profile history. This claim specifically teaches that profile data extracted from the user activity data are compared to stored profile data to determine whether to generate a user profile history *and* a user identifier key. Blasko does not teach the comparison of profile data as noted above. Additionally, Blasko teaches that correlation is based upon key comparison only. Specifically in paragraphs 66 and 67, the transaction identifier of Blasko is used to determine whether profile vectors are stored in a currently existing profile history or in another profile history. There is no teaching or suggestion in Blasko to compare the profile histories themselves. Moreover, Blasko only generates a key *and* a profile history when it cannot locate a key that corresponds to the key in the received messages. Applicant's invention generates a key and a profile history in response to a comparison of extracted data to stored profile data. That is, Applicant's method is capable of generating a separate profile history for a user generating activity data and link the new history to an existing history through a relationship between the newly generated key and the existing key. For at least these reasons, claim 19 is patentable over Blasko and the other references of record, either alone or in combination.

For similar reasons, claim 24 is also patentable over Blasko and the other references of record. Specifically, claim 24 requires that the user identifier be able to differentiate between two profile histories associated with a television terminal. Again, Blasko assigns different weights to different types of data

associated with the single television terminal to determine what advertising to select, (Blasko, ¶ 69). Blasko operates in this manner because it has only one profile history for the television terminal. Applicant's invention, on the other hand, is able to generate a profile history for each user it detects using the same terminal and to associate each profile history with a single television terminal. Therefore, the user identifier of Applicant's invention is required to be capable of determining which user is accessing the server through the television terminal.

#### Claim 20

Claim 20 depends from claim 16 and is patentable for at least the reasons discussed with respect to that claim. Additionally, claim 20 requires that the comparison of site identifiers in the extracted profile data to the site identifiers in the user profile histories compare cookies. Blasko does not teach the comparison of regarding cookies in extracted profile data with cookies in stored profile data. This difference is an additional ground for the allowance of claim 20 over the references of record.

#### Claim 21

Claim 21 depends from claim 16 and is patentable for at least the reasons discussed with respect to that claim. Additionally, claim 21 requires that the comparison of site identifiers in the extracted profile data and the user profile histories compare IP addresses. Blasko does not teach the comparison of regarding IP addresses in extracted profile data with IP addresses in stored

profile data. This difference is an additional ground for the allowance of claim 21 over the references of record.

### CONCLUSION

In view of the foregoing, Applicants submit that this application is in condition for allowance. Therefore, Applicant respectfully requests reexamination and allowance of all pending claims 1-24.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David M. Lockman", written over a horizontal line.

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